

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIACALIFORNIA DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL,

No. C-05-3150 PJH (EMC)

Plaintiff,

**ORDER GRANTING IN PART  
DEFENDANTS' MOTION TO REOPEN  
DISCOVERY**

v.

FREUD F. FARLEY, *et al.*,**(Docket No. 61)**Defendants.  

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Plaintiff the California Department of Toxic Substances Control ("Department") has sued Defendants Freud F. Farley and Karl C. Kluck pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). *See* 42 U.S.C. § 9607(a)(1). On October 31, 2006, Defendants filed a motion to reopen discovery. After considering the papers and argument of counsel, the Court **GRANTED in PART** the motion at a hearing held on December 13, 2006. This order memorializes the Court's rulings.

(1) The Department shall provide by January 8, 2007 a certification to Defendants, stating that it has previously produced or made available to Defendants all invoices and billing documents responsive to Defendants' requests for production -- *i.e.*, said documents which were exchanged between the Department and the PRPs. If the Department finds not all such documents have been produced, any unproduced documents will be made available by January 15, 2007.

(2) The two documents withheld by the Department on the basis of settlement-related grounds (*i.e.*, two letters, dated August 19, 1993 and July 21, 1993) shall be produced within seven

1 days. To the extent there are attorney notations on those documents, those notations may be  
2 redacted.

3 (3) Defendants shall be permitted to take the depositions of Ms. DeShields and Ms.  
4 Teague.

5 (4) Pursuant to the parties' stipulation, the discovery period shall be reopened for a  
6 limited period. The parties are to complete discovery by February 13, 2007.

7 This order disposes of Docket No. 61.

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9 IT IS SO ORDERED.

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11 Dated: December 13, 2006

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14 EDWARD M. CHEN  
15 United States Magistrate Judge  
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